

AMENDED IN ASSEMBLY MAY 23, 2000
AMENDED IN ASSEMBLY APRIL 13, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2448

Introduced by Assembly Member Torlakson

February 24, 2000

An act to amend Section 369i of the Penal Code, relating to trespass.

LEGISLATIVE COUNSEL'S DIGEST

AB 2448, as amended, Torlakson. Trespassing: railroads.

Existing law makes a person who enters or remains upon the property of any railroad, as defined, or any rail transit related property, as defined, without the permission of the owner of the land, the owner's agent, or the person in lawful possession and whose entry or presence or conduct upon the property interferes with, interrupts, or hinders, or which, if allowed to continue, would interfere with, interrupt, or hinder the safe and efficient operation of any locomotive, railway car, train, rail line, or rail-related facility guilty of a misdemeanor.

This bill would also make any person who enters or remains on specified railroad property without permission, except for the purpose of a legal crossing at a highway or other authorized public crossing, guilty of a misdemeanor or an infraction. This bill would provide that these provisions do not apply to railroad employees or their designated labor

organization representatives, *if they are acting within the scope of their employment.*

Because this bill would expand the scope of an existing crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 369i of the Penal Code is
2 amended to read:

3 369i. (a) Any person who enters or remains upon the
4 property of any railroad without the permission of the
5 owner of the land, the owner's agent, or the person in
6 lawful possession, except for the purpose of a legal
7 crossing at a highway or other authorized public crossing
8 or whose entry, presence, or conduct upon the property
9 interferes with, interrupts, or hinders, or which, if
10 allowed to continue, would interfere with, interrupt, or
11 hinder the safe and efficient operation of any locomotive,
12 railway car, or train on the rail line or rail-related
13 property is guilty of a misdemeanor or an infraction.

14 As used in this subdivision, "property of any railroad"
15 means any land owned, leased, or possessed by a railroad
16 upon which is placed a railroad track and the land
17 immediately adjacent thereto, to the distance of 20 feet
18 on either side of the track, which is owned, leased, or
19 possessed by a railroad.

20 (b) Any person who enters or remains upon any rail
21 transit related property owned or operated by a county
22 transportation commission or transportation authority
23 without permission, except for the purpose of a legal
24 crossing at a highway or other authorized public crossing
25 or whose entry, presence, or conduct upon the property

1 interferes with, interrupts, or hinders, or which, if
2 allowed to continue, would interfere with, interrupt, or
3 hinder the safe and efficient operation of the rail line or
4 rail-related property is guilty of a misdemeanor or an
5 infraction.

6 As used in this subdivision, “rail transit related
7 property” means any land or facilities owned, leased, or
8 possessed by a county transportation commission, transit
9 district, or transportation authority upon which is placed
10 a railroad track and the land immediately adjacent
11 thereto, to the distance of 20 feet on either side of the
12 track, which is owned, leased, or possessed by the county
13 transportation commission or transportation authority.

14 (c) This section does not prohibit picketing in the
15 immediately adjacent area of the property of any railroad
16 or rail transit related property or any lawful activity by
17 which the public is informed of the existence of an alleged
18 labor dispute.

19 (d) This section does not apply to railroad employees
20 or their designated labor organization representatives, *if*
21 *they are acting within the scope of their employment.*

22 SEC. 2. No reimbursement is required by this act
23 pursuant to Section 6 of Article XIII B of the California
24 Constitution because the only costs that may be incurred
25 by a local agency or school district will be incurred
26 because this act creates a new crime or infraction,
27 eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section
29 17556 of the Government Code, or changes the definition
30 of a crime within the meaning of Section 6 of Article
31 XIII B of the California Constitution.

